IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 6822 of 2005(K)

PETITIONER:

SHAHEENA K., W/O. HARIS K.M.,
KADAMBOT HOUSE, VADALCODE P.O., THRIKKAKARA,
ERNAKULAM DIST.

BY ADV. SRI.KALEESWARAM RAJ
SRI.ANTONY JOSEPH K.

RESPONDENTS:
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1. UNIVERSITY OF CALICUT,
REPRESENTED BY THE REGISTRAR,UNIVERSITY OF CALICUT
THENHIPALAM, MALAPPURAM DIST.

2. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF CALICUT, THENHIPALAM,
MALAPPURAM DIST.

BY ADV. SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE MARKLIST DT.30.12.2003 IN M.COM. PREVIOUS EXAMINATION PERTAINING TO THE PETITIONER ISSUED BY THE UNIVERSITY OF CALICUT.

P2: TRUE COPY OF THE MARKLIST DT.30.12.2003 ISSUED BY THE UNIVERSITY OF CALICUT TO THE PETITIONER.

P3: TRUE COPY OF THE ACKNOWLEDGEMENT CARD SHOWING THE RECEIPT OF APPLICATION FOR REVALUATION OF M.COM PREVIOUS YEAR MARK WITH REG. NO.10299 AND M.COM FINAL YEAR MARK WITH REG. NO.74580.

P4: TRUE COPY OF THE MEMO DT.29.4.2005 ISSUED BY R2 TO THE PETITIONER.

P5: TRUE COPY OF THE MARKS AWARDED TO THE PETITIONER FOR M.COM FINAL YEAR.

RESPONDENT'S EXHIBITS:

R2(a): TRUE COPY OF THE MEMO ISSUED BY THE UNIVERSITY DT.29.4.2005.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.6822 of 2005

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Dated this the 19th day of February, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for the University. The petitioner completed M.Com. course in the Calicut University and wrote the examination in nine subjects in the first and second year M.Com. together after completing the course. In fact petitioner passed only in one subject after completion of first year course and all remaining subjects in the first year were written along with second year examination after completion of the course. The petitioner got altogether 483 marks for these subjects which is 17 marks short for second class. Though the petitioner applied for revaluation of all answer books, only seven answer books were revalued because two answer papers were missing. The petitioner got a difference of six marks in revaluation of seven subjects. The petitioner wrote examination in 2004 to improve the marks in one subject and petitioner got 10 marks more. With the addition of six marks in revaluation and 10 marks under improvement scheme, she has secured a total of 499 marks which is short by one mark for a second class. Petitioner's case is that but for the missing of the answer books in two

subjects, those answer books would have been revalued and there was every chance for her getting atleast one more mark. Standing Counsel for the University submitted that petitioner could have written the examination after 2004 again for improving and therefore, petitioner cannot claim any additional marks on the assumption that but for missing of answer books she would have got higher marks on revaluation. I do not think the stand of the University is acceptable. In the first place, there is no explanation from the University about the missing of the answer books in a Post-graduate subject. No enquiry is done and no disciplinary action is taken against anybody for missing of answer books. It is only a reflection of the mis-management of the affairs of the University that too, in important matters like examination for Post-graduate Degree course. In any case since six marks have been awarded on revaluation of seven subjects, that is, an average of almost one mark per subject, I feel petitioner can be given atleast one mark combined in two subjects in respect of which answer books are missing. In the circumstances and since petitioner's demand is only an additional one mark, I feel W.P. can be closed by directing the University to grant additional half mark each totalling one mark in the two answer books missing. The W.P. is accordingly disposed of with direction to the University to grant additional marks as above and award second class

degree to the petitioner. There will be further direction to the Vice chancellor of University to conduct enquiry and take disciplinary action against those responsible for missing of the two answer books of the petitioner.

C.N.RAMACHANDRAN NAIR
Judge

pms